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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL No. 1456

THIS DOCUMENT RELATES TO:

CIVIL ACTION: 01-CV-12257-PBS

TRACK TWO SETTLEMENT

Judge Patti B. Saris

**PLAINTIFFS' SECOND NOTICE OF FILING OF [PROPOSED] ORDER DIRECTING
NOTICE OF TRACK TWO SETTLEMENT REVISION TO AFFECTED CLASS
MEMBERS AND SCHEDULING FAIRNESS HEARING**

The Court should authorize the provision of another notice to claimants in the Track Two settlement who (i) need to provide evidence that they were administered an eligible drug, or (ii) will receive less under the redistribution proposal than they would have under the original distribution plan. The notice should advise of the changes and provide another period for comment.

Approximately 64,227 claimants would need to receive a notice of the settlement changes. These claimants fall into two categories: 55,092 claimants who had administrations of Epogen, Eligard or "not otherwise classified" J-Codes 3490 and 8999; and 9,135 claimants who would receive an award amount less than under the original Plan of Allocation and who did not have administrations of Epogen, Eligard or "not otherwise classified" J-Codes 3490 and 8999. Second Supplemental Declaration of Daniel Coggeshall Regarding Estimated Net Consumer Settlement Fund and Estimated Class 1 and Class 3 Consumer Payments for the Track Two Settlement (Dkt. No. 7752), ¶ 10.

8/28/2011
I approve. However, there should be a H&P
phone number on the first page of the consumer notice.
Patti B. Saris